

A SUBSTITUTE ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF KEISHA DIXON AND JACQUELINE TATUM V. CITY OF ATLANTA AND DAVID PAUL LAND, STATE COURT OF FULTON COUNTY, GEORGIA, CIVIL ACTION FILE NO. 97-VS-0126909 IN AN AMOUNT NOT TO EXCEED \$19,500.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; TO WAIVE CITY OF ATLANTA CODE OF ORDINANCES SECTIONS 2-4 AND 2-783 FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, Dixon et. al. v. City of Atlanta, et. al., Civil Action File No. 97-VS-0126909, is a case pending in the State Court of Fulton County, Georgia, in which the City of Atlanta and police officer David Paul Land are named as Defendants; and

WHEREAS, the Plaintiffs allege that they have suffered financial losses for property damage and medical treatments due to an automobile collision between a vehicle which they were occupying and a police car; and

WHEREAS, David Paul Land, while on duty as a police officer for the City of Atlanta, and while operating a vehicle owned by the City of Atlanta, was ticketed for and subsequently plead guilty to the traffic charge of making an improper turn which precipitated the collision with Plaintiffs' vehicle; and

WHEREAS, the Plaintiffs have agreed to accept \$19,500.00 as full settlement of all claims against the City of Atlanta and/or its agents; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claim is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$19,500.00 to settle all claims,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Dixon et. al. v. City of Atlanta, et. al. for an amount not to exceed Nineteen Thousand And Five Hundred Dollars (\$19,500.00).

SECTION 2. The Chief Financial Officer is authorized to pay a total amount not to exceed \$19,500.00 to Plaintiffs in this case from Account No. 1A01-529017-T31001.

SECTION 3. To the extent that Sections 2-4 and 2-783 of the Code of Ordinances of the City of Atlanta are in conflict herewith, those sections or subsections are waived for this instance only.